



ANNO TRICESIMO NONO

# GEORGI II. REGIS.

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## Cap. 27.

An Act for amending and rendering more effectual an Act, passed in the Thirty-third Year of the Reign of His present Majesty, intituled, “ *An Act for making and maintaining a Navigable Canal from Loch Gilp to Loch Crinan in the Shire of Argyll.*” [10th May 1799.]

**W**HEREAS by an Act, made and passed in the Thirty-third Year of the Reign of His present Majesty, intituled, “ *An Act for making and maintaining a Navigable Canal from Loch Gilp to Loch Crinan in the Shire of Argyll,*” John Duke of Argyll, and several other Persons therein named, were incorporated by the Name of “ *The Company of Proprietors of the Crinan Canal,*” for the Purpose of making and completing the said Canal and other necessary Works: And whereas the said Company of Proprietors have made great Progress in carrying on the said Works, but the same cannot be completed by Reason that several of the Subscribers in *England* and *Scotland*, many of whom are Merchants and Manufacturers, have not been able to answer the Calls made on their respective Subscriptions, whereby it is become necessary to raise a further Sum of Money on other Terms than the said Company of Proprietors are now empowered to do, and the said Act also requires to be further explained, enlarged, altered, and amended: In order therefore to prevent delay in carrying on and completing the said Works, which would be attended with Injury to the said Company and to the Public; may it please your Majesty, That it may be enacted, and be it enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by

Preamble.  
33 Geo. III.  
Cap. 104.

[Loc. & Per.]

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Power to  
borrow a fur-  
ther Sum of  
Money;

the Authority of the same, That it shall and may be lawful for the said Company of Proprietors of the *Crinan* Canal, and they are hereby authorized and empowered to raise or borrow any further Sum or Sums of Money not exceeding in the Whole the Sum of Thirty Thousand Pounds, (although the Whole of the Sum of One Hundred and Fifty Thousand Pounds allowed to be raised by the before-recited Act may not have been raised,) and to take up the same at legal or less Interest from such Persons as shall be willing to lend the same, or from the Commissioners and Trustees for Fisheries, Manufactures, and Improvements in *Scotland*, or from any other Body Politic or Corporate in that Part of the United Kingdom, or from the *British* Society for extending the Fisheries and improving the Sea-Coasts of this Kingdom, who are hereby respectively empowered (if willing) to advance and lend the same; any Thing contained in the said recited Act, or any other Law, Usage, or Provision to the contrary notwithstanding: And the Money so to be raised shall be applied in defraying the Expences of obtaining and passing this Act, and all other Expences relating thereto, and of carrying on and completing the several Works authorized to be done and completed by the said Act; and the said Sum of Thirty Thousand Pounds, or such Part thereof as the said Company of Proprietors, or the Governor and Directors of the said Company for the Time being, shall think proper to be raised, shall or may be raised by all, any, or either or such of the Ways or Means as the said Company of Proprietors are already authorized to raise any Money by virtue of the said recited Act, by creating New or Additional Shares, or by Mortgage, or by granting Annuities according to the Form and Manner prescribed by the said recited Act; and that all and sundry the Powers contained in the said recited Act for granting, securing, and assigning any Annuity for Life or Lives, shall by this Act be, and the same are hereby extended to the securing any Annuity or Annuities for any Term or Terms of Years which the said Company of Proprietors, or the Governor and Directors of the said Company for the Time being shall think proper to grant, and which they are hereby empowered to grant as they shall from Time to Time think fit; and all such Annuitants for any Term or Terms of Years shall be entitled to all the Privileges and Advantages of Security upon the said Canal and Rates, as if the Power of granting any such Annuity had by the said recited Act been extended as well thereto as to Annuities for Lives, any Thing in the said recited Act or this Act to the contrary thereof in anywise notwithstanding.

or to create  
new Shares.

II. And it is hereby further enacted and declared, That it shall and may be lawful for the said Company of Proprietors, or the Governor and Directors of the said Company for the Time being, to raise the said Sum of Thirty Thousand Pounds, or such Part or Parts thereof as they shall from Time to Time think fit, by creating such Numbers of New or Additional Shares as they shall find requisite for that Purpose, and by disposing of the same to such Person or Persons as to them shall from Time to Time seem meet and convenient, or by such other Ways and Means as they shall from Time to Time think expedient or necessary.

Provido as to  
Trustees and  
others;

III. Provided always, That nothing herein contained shall compel any Person or Persons, Bodies Politic or Corporate whomsoever to advance any Sum



Sum or Sums of Money whatsoever for the Purposes aforesaid, unless by his or their own free and voluntary Consent; and that no Trustee or Trustees, Guardian or Guardians, Tutors or Curators, or Personal Representative, or other Persons whomsoever acting by or on the Behalf of Infants, Lunatics, Ideots, or other incapacitated Persons, shall be at Liberty to advance any Money appertaining to their respective Trusts for any or either of the Purposes aforesaid, provided that nothing in this Act shall empower the said Commissioners and Trustees for Fisheries, Manufactures, and Improvements in *Scotland*, or any other Body Politic or Corporate in that Part of the United Kingdom, or the *British* Society for extending the Fisheries and improving the Sea-Coasts of this Kingdom, to lend Money for the Purposes of this Act in any other Manner than upon Assignments of the said Canal and other Work, and the Rates to arise by virtue of the before-recited Act as therein directed; any Thing herein or in the said Act, or any other Act, to the contrary notwithstanding.

IV. Provided also, and it is hereby further enacted and declared, That if the said Company of Proprietors, or the said Governor and Directors for the Time being, shall think it most expedient to borrow the said Sum of Thirty Thousand Pounds, or any Part or Parts thereof, by Bonds or by Promissory Notes under the Common Seal of the said Company respectively, it shall and may be lawful for them so to do, and that the Principal Monies to be so raised by such Bonds or Notes shall be made payable in such Manner, and at such Time or Times, with such legal or less Rate of Interest as the said Company, or the said Governor and Directors for the Time being, shall think proper, and either with or without Power in the Holders of such Bonds or Notes to have an Option of being admitted to hold such Number of Shares in the said Canal, for and in lieu of the Principal Monies to be secured by such Bonds or Notes as the said Company or the said Governor and Directors shall from Time to Time think proper, or as shall be agreed upon between them and the respective Parties advancing any Money upon any such Bonds or Notes, the Particulars of such Options being at all Times expressed in the Conditions of the said Bonds or in the said Notes; and the Rates authorized to be taken, and which shall arise and be taken by virtue of the said recited Act, shall be a Security for any Sum or Sums of Money so to be borrowed on any such Bonds or Notes as aforesaid, with Interest to the Person or Persons who shall from Time to Time be entitled to such Securities, and the Principal Money and Interest thereby secured; the Form of which Bonds and Notes, and the proper Registry and Entry thereof in the Company's Books shall from Time to Time be regulated and adjusted by the said Company or the said Governor and Directors as they shall think fit; and all and every Persons and Person to whom any such last-mentioned Securities shall be given in pursuance of this Act towards raising the said Sum of Thirty Thousand Pounds, with or without such Option as aforesaid, shall be equally entitled to a Claim or Lien on and to a Proportion of the said Rates, according to the respective Sums or Annuities mentioned thereby to be secured or advanced, without any Preference by reason of the Priority of Date of any such Securities.

Provido as to  
Bonds and  
Promissory  
Notes.

V. And be it further enacted, That all and every Persons or Person shall be compelled to answer and make good all Engagements, Contracts, or

Agreements

Compelling  
Persons to  
make good  
their En-  
gagements.



Agreements whatsoever which they already have or shall hereafter enter into with the said Company of Proprietors for contributing or advancing any Sum or Sums of Money for the Purposes of this Act, or of the said recited Act; and that in Default thereof the said Company of Proprietors shall and may have full Power and Authority to sue for and recover any such Sum or Sums of Money which shall have been so agreed to be advanced of and from all and every such Person or Persons making or entering into any such Contracts or Agreements by Action of Debt in any of His Majesty's Courts of Record at *Westminster*, or in any competent Court in that Part of *Great Britain* called *Scotland*, together with Interest and full Costs of Suit.

Mode of  
creating new  
Shares.

VI. And it is hereby further enacted and declared, That the said Company of Proprietors, or the Governor and Directors of the said Company for the Time being, shall be, and they are hereby authorized and empowered from Time to Time to create such Number of new Shares, for the Purpose of answering all Claims that may be legally made for the same by any Person or Persons whomsoever, in pursuance of any such Bonds or Notes that shall or may be issued by the said Company or the said Governor and Directors, under the Common Seal of the said Company, with any such Options as aforesaid, the better to enable them to raise the said Sum of Thirty Thousand Pounds, or such Part thereof for which any such Bonds or Notes shall be issued; and the respective Shares or Proportions of any Shares which shall or may be created by virtue of this Act shall be entitled to such and the same Powers, Provisions, and Advantages, and be liable to such and the same Restrictions, Penalties, and Forfeitures, as if the same were Part of the Shares already created and now vested in the several and respective Proprietors of the said *Crinan* Canal, and as if the same had been originally subscribed for by such Person or Persons respectively, and the full Sum of Fifty Pounds for each such Share had been actually paid for the same, according as the several Calls were made and became due upon the Proportions of Original Shares; and the Admission of all and every Persons and Person to any such new Shares, by any Order or Orders, Resolution or Resolutions, of the said Company of Proprietors, or of the said Governor and Directors for the Time being, shall be good and effectual Titles of such Person or Persons, and his, her, or their respective Executors and Administrators, on his, her, or their Payment to the said Company of the Purchase Money or Price agreed for the same, or delivering up to be cancelled any such Bonds or Notes, with such Options as aforesaid, whereon any such legal Claims to any such Shares shall have been made.

Power to  
agree as to  
Shares;

VII. And it is hereby further enacted and declared, That it shall and may be lawful for the said Company of Proprietors, and the said Governor and Directors for the Time being, at any Time or Times after the passing of this Act, to enter into such Treaties, and to make such Agreements as they shall think fit, with any of the Proprietors of Shares in the said Undertaking who have not paid or shall not pay the Whole of the Calls for the compromising and settling the Claims of the said Company for such Arrears of Calls on any such Shares, and the Interest due for the same, by compounding the same or otherwise, as to the said Company or the said Governor and Directors shall from Time to Time seem meet and convenient; and which said Power of compromising or compounding any



any such Claims it is hereby expressly declared shall extend to authorize and make legal any Agreement whatsoever with any such Proprietors for relinquishing or giving up the Whole or any Part of their present Shares; and in all Cases where any such Agreement for relinquishing any such Shares shall be made between the said Company or the said Governor and Directors, and any such Proprietor or Proprietors, all such Shares so relinquished shall be and the same are hereby declared to be for ever extinguished and forfeited, as if the same had never been created: And further, That it shall be lawful for the said Company or the said Governor and Directors, at any Time after the Expiration of Twelve Months from the passing of this Act, by any Order or Resolution of the said Company or of the said Governor and Directors, to declare and determine that all, every, or any of the present Shares of any Person or Persons whomsoever, not then having paid up Arrears of Calls due thereon respectively, and the Interest for the same from the respective Times when such Calls ought to have been paid until the same shall be paid, have been relinquished and are forfeited.

and to forfeit Shares;

VIII. And it is hereby enacted and declared, That from and after any such Declaration or Determination shall be so made by any such Order or Resolution as aforesaid, all and every such Shares shall be for ever afterwards extinguished and forfeited as if the same had never been created: Provided, That nothing herein contained shall prejudice or affect the Right of the said Company to sue for and recover any such Arrears of Calls and Interest upon any such Shares, until after any such Declaration or Determination shall have been so made respectively.

without prejudice to Right of suing.

IX. Provided also, and it is hereby enacted and declared, That it shall be lawful for the said Company of Proprietors from Time to Time, at any General Meeting to be held of the said Company after the passing of this Act, to make such Regulations and Alterations, touching the Form and Manner of transferring of any Shares already created or to be created by the Authority of the said recited or of this Act, and the ticketing of the same respectively, as shall appear to them to be for the Benefit of the Persons interested in such Shares, and all such Regulations and Alterations shall be valid and binding; any Thing in the said recited Act to the contrary notwithstanding.

Regulating Transfer of Shares.

X. And be it further enacted, That all the Powers and Authorities by the said Act and this Act vested in or directed to be exercised by the Governor and Directors of the said Company of Proprietors may, from and after the passing of this Act, be done and exercised by the said Governor and Directors, or the major Part of them, at their respective Meetings, the whole Number present at any such Meeting not being less than Three, and the same shall be as valid and effectual as if done and exercised by the said Governor and the Whole of the said Directors, the said Governor, or such of the said Directors as shall in his Absence be chosen President at any such Meeting, always having One Vote, and in case of an Equality of Votes, to have an Additional or Casting Vote; any Thing in the said recited Act to the contrary notwithstanding.

Quorum of Governors and Directors.

XI. And it is hereby further enacted and declared, That so much of the said recited Act as directs that if the said Company should be in possession of any Lands or Grounds by virtue of the said Act, for the Space of Ten

Repealing Clause in former Act for recon-

[Loc. & Per.]

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Years,



veying Lands  
not used.

Years, without making the said Navigation through the same, or if the said Navigation should be made and completed, and afterwards discontinued or disused for the Space of Five Years, then in either of the said Cases, from and immediately after the Expiration of the said Ten Years or Five Years respectively, the said Company should convey all their Right and Property or Interest in or to such Lands or Grounds, unto the several and respective Persons or Bodies Politic, Corporate, or Collegiate, who should be possessed at the Time as Proprietors of the Estates from which such Grounds were taken or acquired by the said Company in case the said respective Persons or Bodies, or any of them, should think fit to become Purchasers thereof respectively, and all and every Power and Powers contained in the said recited Act relating thereto, and for ascertaining the Purchase Money to be paid for such Lands or Grounds shall be, and the same and every Part thereof are and is hereby repealed.

Mode of  
measuring  
Light Vessels.

XII. And whereas by the said recited Act it is enacted, That it should be lawful for the said Company from Time to Time and at all Times thereafter, to ask, demand, take, and recover to and for their own proper Use and Behoof, for all Light Boats or other Vessels without a Lading or in Ballast only, which should be navigated upon or through the said Canal, such Rates and Duties as the said Company should think fit, not exceeding the Rate therein mentioned; now therefore, to prevent all Doubt respecting the Intent and Meaning of the said Act, it is hereby enacted and declared, That the said Rates and Duties so chargeable in respect of such Light Boats or other Vessels without Lading or in Ballast only, shall be taken for every Ton Burden that such Boats or Vessels respectively should or would be capable of carrying upon the said Navigation, in case the same, instead of being Light Boats or other Vessels without Lading or in Ballast only, were fully laden, any Thing in the said Act to the contrary notwithstanding.

Mode of as-  
certaining  
Parliamentary and Pa-  
rochial Rates.

XIII. And be it further enacted, That all Parochial Rates and Assessments which shall or may at any Time be laid, assessed, or imposed upon the Rates and Personal Estate of the said Company of Proprietors, shall be laid, assessed, and imposed in each Parish or Place respectively where Rates are assessed in respect of the Stock or Personal Estate of the Inhabitants in general, in proportion to the Length of the said Canal and the Amount of Rates taken in respect of such Length in such respective Parish or Place, and not otherwise; and that in respect of any Parliamentary and Parochial Rates that shall or may be from Time to Time rated or assessed upon the said Company of Proprietors for and in respect of the Lands and Grounds already purchased or taken, or to be purchased or taken, and in respect of all Warehouses or other Buildings erected or to be erected by the said Company of Proprietors in pursuance of the said recited Act, the same shall be so rated and assessed in the same Proportion as other Lands, Grounds, and Buildings, nearest adjoining the same, according to their then respective Value, were or shall be rated, and in no larger or more extensive Proportion, and as the same Lands, Grounds, and Buildings so purchased or taken, or to be purchased or taken and erected, would be rateable in case the same were the Property of Individuals in their natural Capacity and made use of for common Purposes only.

Investing  
Purchase  
Money.

XIV. And be it further enacted. That in case any Lands, Houses, or other Premises which may be taken or used for the Purposes of the said Act, or to



which Damage may be done in the Execution of the same, are held under Entail, or are subject to Liferents, Annuities, Jointures, or other Incumbrances, or shall belong to any Corporation, married Woman, Infant, Lunatic, or Person or Persons under any other Disability or Incapacity, the Purchase Money or Recompence to be paid for the same, if not exceeding Twenty Pounds Sterling, shall be paid to or for the Use of the Person or Persons then entitled to the Rents and Profits of the Lands, Houses, or other Premises so taken, used, or damaged, for his, her, and their own Use and Benefit; but the said Purchase Money or Recompence, if exceeding the Sum of Twenty Pounds Sterling, shall be laid out and invested by the Authority and under the Direction of the Court of Session in the Purchase of other Lands, Houses, or Premises of the like Nature, and the Rights, Titles, and Securities thereof shall be devised and taken to the same Person or Persons, and to the same Series of Heirs, and for the Benefit of the same Person or Persons, and for the same Uses and Purposes, and under the same Conditions, Provisions, and Limitations as are mentioned and contained in the Title Deeds of the Lands, Houses, or other Premises taken, used, or damaged, for the Purposes of the said Act, or such of them as shall be then existing or capable of taking effect; and in the meantime, until such Purchase can be made, such Money shall, under the Direction and by the Authority of the Court of Session, be paid into the Bank of *Scotland* or Royal Bank of *Scotland* at the highest Rate of Interest that can be obtained for the same; and such Interest arising upon all Sums that shall exceed Twenty Pounds, and shall not amount to One Hundred Pounds, shall go and be applied to or for the Use of the respective Person or Persons who would be entitled to the Rents and Profits of the Lands, Houses, or other Premises so to be purchased with such Money, in case such Purchase had actually been made and completed; but if the Money so paid into the Bank of *Scotland* or Royal Bank of *Scotland* as aforesaid shall amount to One Hundred Pounds or more, then and in that Case the Interest arising thereon shall annually be accumulated and added to the Principal Sum itself, to carry Interest together until a proper Purchase or Purchases shall be found, and shall be approved of by the said Court of Session; and it shall be lawful to and for the said Court to make such Order or Orders in a summary Way touching the Payment or Application of the Monies so to be paid into the Bank of *Scotland* or Royal Bank of *Scotland*, and the Interest that from Time to Time may arise thereon, as the said Court shall think fit.

XV. And be it further enacted, That all Sheriffs, Justices of the Peace, Judges, and Magistrates, with their Officers, Messengers at Arms, and all other Officers and Executioners of the Law whomsoever, and every of them, are hereby required to be aiding and assisting in putting this Act into due and lawful Execution. For due Execution of Act.

XVI. And be it further enacted, That this Act shall be deemed, taken, and allowed in all Courts of Law or Equity as a Public Act, and all Judges, Justices, and other Persons are hereby required to take Notice thereof as such, without specially pleading the same. Public Act.

